

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11924-RGS**

Brown et al v. United States of America et al
Assigned to: Judge Richard G. Stearns
Demand: \$9,999,000
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 09/02/2004
Date Terminated: 09/26/2007
Jury Demand: Both
Nature of Suit: 360 P.I.: Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Ian J. Brown

represented by **Scott E. Charnas**
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ATTORNEY TO BE NOTICED

Plaintiff

James Brown

represented by **Scott E. Charnas**
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Plaintiff

Barbara Brown

represented by **Scott E. Charnas**
(See above for address)
LEAD ATTORNEY
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V.

Defendant

United States of America

represented by **Anita Johnson**
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TERMINATED: 09/21/2006
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Defendant

Verizon New England, Incorporated
TERMINATED: 05/16/2007

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Defendant

Boston Edison Company
doing business as

represented by **Marissa A Goldberg**
NSTAR Electric & Gas Corporation

NSTAR Electric

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Cross Claimant

Verizon New England, Incorporated
TERMINATED: 04/18/2007

represented by **William A. Worth**
(See above for address)
LEAD ATTORNEY

Joshua A. Lewin
(See above for address)

V.

Cross Defendant

Boston Edison Company

Cross Defendant

United States of America

represented by **Anita Johnson**
(See above for address)
TERMINATED: 09/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damian W. Wilmot
(See above for address)
TERMINATED: 09/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark T. Quinlivan
(See above for address)
TERMINATED: 03/12/2007
ATTORNEY TO BE NOTICED

Cross Claimant

Boston Edison Company

represented by **Michael K. Callahan**
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ATTORNEY TO BE NOTICED

V.

Cross Defendant

United States of America

represented by **Anita Johnson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damian W. Wilmot
(See above for address)
TERMINATED: 09/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

United States of America

represented by **Anita Johnson**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damian W. Wilmot
(See above for address)
TERMINATED: 09/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Boston Edison Company

Cross Defendant

Verizon New England, Incorporated
TERMINATED: 05/16/2007

represented by **Joshua A. Lewin**
(See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

United States of America

represented by **Anita Johnson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damian W. Wilmot
(See above for address)
TERMINATED: 09/21/2006
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant**Bedford, Town of***TERMINATED: 05/02/2006*represented by **John J. Davis**

Pierce, Davis & Perritano, LLP

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/02/2004	<u>1</u>	COMPLAINT and Jury Demand Filing fee: \$ 150, receipt number 58396, filed by Barbara Brown, Ian J. Brown, James Brown.(Flaherty, Elaine) Modified on 9/7/2004 (Flaherty, Elaine). (Entered: 09/07/2004)
09/02/2004	<u>2</u>	Summons Issued as to Boston Edison Company, United States of America, Verizon New England, Incorporated. (Flaherty, Elaine) (Entered: 09/07/2004)
09/02/2004	<u>3</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Flaherty, Elaine) (Entered: 09/07/2004)
11/16/2004	<u>4</u>	SUMMONS Returned Executed Boston Edison Company served on 11/15/2004, answer due 12/6/2004. (Flaherty, Elaine) (Entered: 12/08/2004)
11/16/2004	<u>5</u>	SUMMONS Returned Executed United States of America served on 10/12/2004 (Flaherty, Elaine) (Entered: 12/08/2004)
11/17/2004	<u>6</u>	SUMMONS Returned Executed Verizon New England, Incorporated served on 11/10/2004, answer due 11/30/2004. (Flaherty, Elaine) (Entered: 12/08/2004)
12/06/2004	<u>7</u>	MOTION for Extension of Time to 01/07/2005 to File Answer by United States of America.(Wilmot, Damian) (Entered: 12/06/2004)
12/13/2004	<u>8</u>	Judge Richard G. Stearns : Electronic ORDER entered granting 2 Motion for Extension of Time to Answer re 1 Complaint United States of America. (Flaherty, Elaine) (Entered: 12/15/2004)
01/03/2005	<u>9</u>	MOTION to Dismiss by United States of America.(Wilmot, Damian) Additional attachment(s) added on 1/5/2005 (Flaherty, Elaine). (Entered: 01/03/2005)
01/03/2005	<u>10</u>	MEMORANDUM in Support re 6 MOTION to Dismiss filed by United

		States of America. (Attachments: # <u>1</u> Affidavit)(Wilmot, Damian) (Entered: 01/03/2005)
01/05/2005	<u>8</u>	Notice of correction to docket made by Court staff. Correction: motion to dismiss corrected because: filed wrong case (Flaherty, Elaine) (Entered: 01/05/2005)
01/18/2005	<u>8</u>	Opposition re <u>6</u> MOTION to Dismiss filed by Ian J. Brown. James Brown, Barbara Brown. (Attachments: # <u>1</u> Exhibit Affidavit# <u>2</u> Exhibit Report of Bedford Police Officer# <u>3</u> Exhibit Medical Records of Boston MedFlight)(Charnas, Scott) (Entered: 01/18/2005)
01/28/2005	<u>9</u>	MOTION for Leave to File <i>Reply Memorandum In Support of Motion to Dismiss</i> by United States of America.(Wilmot, Damian) (Entered: 01/28/2005)
01/28/2005	<u>10</u>	REPLY to Response to Motion re <u>6</u> MOTION to Dismiss, <u>9</u> MOTION for Leave to File <i>Reply Memorandum In Support of Motion to Dismiss</i> filed by United States of America. (Wilmot, Damian) (Entered: 01/28/2005)
01/28/2005		Judge Richard G. Stearns : Electronic ORDER entered granting <u>9</u> Motion for Leave to File (Flaherty, Elaine) (Entered: 02/01/2005)
02/01/2005	<u>11</u>	ANSWER to Complaint with Jury Demand, CROSSCLAIM against Boston Edison Company, United States of America by Verizon New England, Incorporated.(Lewin, Joshua) (Entered: 02/01/2005)
02/01/2005	<u>12</u>	NOTICE of Appearance by William A. Worth on behalf of Verizon New England, Incorporated (Worth, William) (Entered: 02/01/2005)
02/02/2005	<u>13</u>	NOTICE of Hearing on Motion <u>6</u> MOTION to Dismiss: Motion Hearing set for 2/11/2005 10:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 02/02/2005)
02/03/2005		***Attorney William A. Worth for Verizon New England, Incorporated and Verizon New England, Incorporated, Joshua A. Lewin for Verizon New England, Incorporated and Verizon New England, Incorporated added. (Flaherty, Elaine) (Entered: 02/03/2005)
02/03/2005	<u>14</u>	MOTION to Continue Motion Hearing to Future Date by United States of America.(Wilmot, Damian) (Entered: 02/03/2005)
02/07/2005	<u>15</u>	NOTICE of Appearance by Mark T. Quinlivan on behalf of United States of America, United States of America (Quinlivan, Mark) (Entered: 02/07/2005)
02/07/2005		Judge Richard G. Stearns : Electronic ORDER entered finding as moot <u>14</u> Motion to Continue. "in light of the fact that co-counsel for the United States has entered an appearance in this case, the motion to continue the hearing is now moot". (Johnson, Mary) Modified on 2/7/2005 (Johnson, Mary). (Entered: 02/07/2005)
02/07/2005	<u>19</u>	ANSWER to Complaint with Jury Demand, CROSSCLAIM against

		United States of America by Boston Edison Company.(Flaherty, Elaine) (Entered: 02/10/2005)
02/08/2005	<u>16</u>	Opposition re <u>6</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Verizon New England, Incorporated. (Lewin, Joshua) (Entered: 02/08/2005)
02/09/2005	<u>17</u>	MOTION for Leave to File <i>Surreply Memorandum in Opposition to the Motion to Dismiss Filed By Defendant United States of America</i> by Ian J. Brown, James Brown, Barbara Brown.(Charnas, Scott) (Entered: 02/09/2005)
02/09/2005	<u>18</u>	SUR-REPLY to Motion re <u>6</u> MOTION to Dismiss, <u>17</u> MOTION for Leave to File <i>Surreply Memorandum in Opposition to the Motion to Dismiss Filed By Defendant United States of America</i> filed by Ian J. Brown, James Brown, Barbara Brown. (Charnas, Scott) (Entered: 02/09/2005)
02/10/2005	<u>20</u>	ANSWER to Crossclaim of <i>Boston Edison Company</i> by Verizon New England, Incorporated.(Lewin, Joshua) (Entered: 02/10/2005)
02/10/2005	<u>21</u>	NOTICE by United States of America, United States of America, United States of America re <u>7</u> Memorandum in Support of Motion, <u>10</u> Reply to Response to Motion of <i>Errata</i> (Attachments: # <u>1</u>)(Quinlivan, Mark) (Entered: 02/10/2005)
02/11/2005	<u>2</u>	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Motion Hearing held on 2/11/2005 re <u>6</u> MOTION to Dismiss filed by United States of America. AUSA Quinlivan present for the Govt. Atty. Charnas present for the pltf. Attys. Worth and Lewin present for Verizon. After hearing, the Court takes the matter "under advisement." (Court Reporter James Gibbons.) (Johnson, Mary) . (Entered: 02/11/2005)
02/11/2005	<u>22</u>	Judge Richard G. Stearns : MEMORANDUM AND ORDER entered. (Giannotti, Diane) (Entered: 02/11/2005)
02/17/2005	<u>23</u>	Response by Verizon New England, Incorporated to <i>Court's Order dated February 11, 2005 on the United States of America's Motion to Dismiss</i> . (Lewin, Joshua) (Entered: 02/17/2005)
02/23/2005	<u>2</u>	Judge Richard G. Stearns : Electronic ORDER entered granting <u>17</u> Motion for Leave to File (Flaherty, Elaine) (Entered: 02/23/2005)
02/23/2005	<u>24</u>	Judge Richard G. Stearns : ORDER on Discovery, entered. "discovery to be completed by 4/29/05."(Flaherty, Elaine) (Entered: 02/23/2005)
03/17/2005	<u>25</u>	MOTION to Dismiss <i>CO-DEFENDANTS' CROSS-CLAIMS AGAINST THE UNITED STATES OF AMERICA</i> by United States of America, United States of America, United States of America.(Wilmot, Damian) (Entered: 03/17/2005)
03/17/2005	<u>26</u>	MEMORANDUM in Support re <u>25</u> MOTION to Dismiss <i>CO-DEFENDANTS' CROSS-CLAIMS AGAINST THE UNITED STATES OF</i>

		<i>AMERICA</i> filed by United States of America, United States of America, United States of America. (Wilmot, Damian) (Entered: 03/17/2005)
03/28/2005	<u>27</u>	Opposition re <u>25</u> MOTION to Dismiss <i>CO-DEFENDANTS' CROSS-CLAIMS AGAINST THE UNITED STATES OF AMERICA</i> filed by Verizon New England, Incorporated. (Lewin, Joshua) (Entered: 03/28/2005)
03/31/2005	<u>28</u>	MEMORANDUM in Opposition re <u>6</u> MOTION to Dismiss filed by Boston Edison Company. (Flaherty, Elaine) Additional attachment(s) added on 4/4/2005 (Flaherty, Elaine). (Entered: 04/04/2005)
04/04/2005		Notice of correction to docket made by Court staff. Correction: document #28 corrected because: wrong image document (Flaherty, Elaine) (Entered: 04/04/2005)
05/17/2005	<u>29</u>	Supplemental MEMORANDUM in Opposition re <u>6</u> MOTION to Dismiss of <i>USA</i> filed by Ian J. Brown, James Brown, Barbara Brown. (Attachments: # <u>1</u> Exhibit Deposition of Brian Peters# <u>2</u> Exhibit Defendant USA's Answers to Verizon's First Set of Interrogatories# <u>3</u> Exhibit Deposition of Dennis P. Cronin# <u>4</u> Exhibit Deposition of Adrienne St. John# <u>5</u> Exhibit Deposition of Arthur R. Hayes)(Charnas, Scott) (Entered: 05/17/2005)
05/19/2005	<u>30</u>	Supplemental Opposition re <u>6</u> MOTION to Dismiss filed by Verizon New England, Incorporated, Verizon New England, Incorporated. (Attachments: # <u>1</u> Exhibit A - Affidavit of Ian J. Brown# <u>2</u> Exhibit B - Affidavit of Major Brian Peters# <u>3</u> Exhibit C - Massport Final Environmental Status and Planning Report# <u>4</u> Exhibit D - Deposition of Major Brian Peters# <u>5</u> Exhibit E - Deposition of Adrienne St. John# <u>6</u> Exhibit 12A to the Deposition of Adrienne St. John# <u>7</u> Exhibit 2 to the Deposition of Major Brian Peters# <u>8</u> Exhibit 13 to the Deposition of Adrienne St. John# <u>9</u> Exhibit F - Deposition of Dennis P. Cronin# <u>10</u> Exhibit 2 to the Deposition of Dennis P. Cronin# <u>11</u> Exhibit G - Deposition of Arthur R. Hayes, III# <u>12</u> Exhibit 4 to the Deposition of Arthur R. Hayes, III# <u>13</u> Exhibit H - USA's Objections & Responses to Verizon's Request for Production# <u>14</u> Exhibit I - Deed# <u>15</u> Exhibit J - Motor Vehicle Crash Report# <u>16</u> Exhibit K - USA's Objections & Responses to Verizon's First Set of Interrogatories)(Lewin, Joshua) (Entered: 05/19/2005)
05/19/2005	<u>31</u>	MEMORANDUM in Opposition re <u>25</u> MOTION to Dismiss <i>CO-DEFENDANTS' CROSS-CLAIMS AGAINST THE UNITED STATES OF AMERICA</i> filed by Boston Edison Company. (Attachments: # <u>1</u>) (Flaherty, Elaine) (Entered: 05/20/2005)
05/20/2005	<u>32</u>	EXHIBITS re <u>30</u> supplemental Opposition to Motion of USA to dismiss, filed. by Verizon New England, Incorporated. (Flaherty, Elaine) (Entered: 05/20/2005)
05/25/2005	<u>33</u>	Supplemental MEMORANDUM in Opposition re <u>25</u> MOTION to Dismiss <i>CO-DEFENDANTS' CROSS-CLAIMS AGAINST THE UNITED STATES OF AMERICA</i> filed by United States of America. (Wilmot,

		Damian) (Entered: 05/25/2005)
06/07/2005	30	NOTICE of Hearing: "A Further Hearing in this matter is scheduled for: MONDAY, JULY 25, 2005 AT 2:30 P.M. before Stearns,DJ." (Johnson, Mary) Modified on 6/7/2005 (Johnson, Mary). (Entered: 06/07/2005)
07/25/2005	31	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Further Motion Hearing held on 7/25/2005 re <u>25</u> Govt's MOTION to Dismiss <i>CO-DEFENDANTS' CROSS-CLAIMS AGAINST THE UNITED STATES OF AMERICA</i> filed by United States of America, as well as Govt's Motion to Dismiss (#6), which was previously heard by the Court but held in abeyance so a limited amount of discovery could be conducted. Atty. Charnas present for the pltf. Atty. Callahan present for Boston Edison. Atty. Lewin present for Verizon. AUSA's Quinlivan and Wilmot present for the United States. After hearing, the matters are taken "under advisement". The Court sees no reason why discovery should not continue while the Court decides the motions of the Government and requests counsel to agree to a proposed discovery schedule for the Court to enter. Should the Government remain in the case, the schedule can be modified. (Court Reporter Valerie O'Hara.) (Johnson, Mary) Modified on 7/25/2005 (Johnson, Mary). (Entered: 07/25/2005)
07/25/2005	34	Proposed Document(s) submitted by Boston Edison Company. Ian J. Brown, James Brown, Barbara Brown, United States of America, Verizon New England, Incorporated. Document received: discovery schedule FILED AND APPROVED. (Flaherty, Elaine) (Entered: 07/28/2005)
11/02/2005	35	Joint MOTION for Extension of Time to March 31, 2006 for non-expert discovery. See motion for other deadlines to Complete Discovery by Ian J. Brown.(Charnas, Scott) (Entered: 11/02/2005)
11/10/2005	35	Judge Richard G. Stearns : ElectronicORDER entered granting <u>35</u> Motion for Extension of Time to Complete Discovery (Flaherty, Elaine) (Entered: 11/10/2005)
01/18/2006	36	Judge Richard G. Stearns : MEMORANDUM AND ORDER on the United States' Motion to Dismiss, ENTERED. "DENIED."(Flaherty, Elaine) (Entered: 01/18/2006)
02/07/2006	37	ANSWER to Complaint, CROSSCLAIM against Boston Edison Company, Verizon New England, Incorporated by United States of America.(Wilmot, Damian) (Entered: 02/07/2006)
02/15/2006	38	THIRD PARTY COMPLAINT against Bedford. Town of, filed by United States of America.(Wilmot, Damian) (Entered: 02/15/2006)
02/27/2006	39	ANSWER to Crossclaim of <i>United States of America</i> by Verizon New England, Incorporated.(Lewin, Joshua) (Entered: 02/27/2006)
03/01/2006	40	CORPORATE DISCLOSURE STATEMENT by Verizon New England, Incorporated. (Lewin, Joshua) (Entered: 03/01/2006)
03/21/2006	41	Assented to MOTION for Extension of Time to April 13, 2006 to

		Answer Third-Party Complaint by Bedford, Town of.(Davis, John) (Entered: 03/21/2006)
03/21/2006	<u>42</u>	Joint MOTION for Extension of Time to Complete Discovery by United States of America.(Wilmot, Damian) (Entered: 03/21/2006)
03/22/2006	<u>41</u>	Judge Richard G. Stearns : Electronic ORDER entered granting <u>41</u> Motion for Extension of Time. (Johnson, Mary) (Entered: 03/22/2006)
03/22/2006	<u>42</u>	Judge Richard G. Stearns : Electronic ORDER entered granting <u>42</u> Motion for Extension of Time to Complete Discovery : "non-expert discovery shall be completed by 6-29-06; pltf's' expert disclosures shall be done by 8-30-06; defts' expert disclosures shall be done by 10-3-06; all expert depositions shall be completed by 11-30-06; dispositive motions shall be filed by 1-16-07 with oppositions due 14 days thereafter unless enlarged by the Court." (Johnson, Mary) Modified on 3/22/2006 (Johnson, Mary). (Entered: 03/22/2006)
04/19/2006	<u>43</u>	NOTICE of Change of Address by William A. Worth (Worth, William) (Entered: 04/19/2006)
04/27/2006	<u>44</u>	SUMMONS Returned Executed Bedford, Town of served on 2/21/2006, answer due 3/13/2006. (Flaherty, Elaine) (Entered: 04/27/2006)
04/28/2006	<u>45</u>	NOTICE of Voluntary Dismissal by United States of America (Wilmot, Damian) (Entered: 04/28/2006)
04/28/2006	<u>46</u>	Remark : Third-Party Defendant Town of Bedford has been voluntarily dismissed from the case by the Government, and is no longer a party to the case. M. Johnson, Deputy Clerk. (Johnson, Mary) Modified on 5/9/2006 (Johnson, Mary). (Entered: 05/09/2006)
07/24/2006	<u>46</u>	Joint MOTION for Extension of Time to Complete Discovery by all parties.(Lewin, Joshua) (Entered: 07/24/2006)
07/25/2006	<u>47</u>	Judge Richard G. Stearns : ElectronicORDER entered granting <u>46</u> Motion for Extension of Time to Complete Discovery "Allowed. No futher extensions will be granted." complete discovery 10/21/06; pltf's' expert discl 11/21/06; deflt 12/21/06. Expert depos 2/1/06. Dispositive motions 3/14/07. (Flaherty, Elaine) (Entered: 07/25/2006)
09/20/2006	<u>47</u>	NOTICE of Withdrawal of Appearance by Anita Johnson <i>on behalf of former AUSA Wilmot</i> (Johnson, Anita) (Entered: 09/20/2006)
09/20/2006	<u>48</u>	NOTICE of Appearance by Anita Johnson on behalf of United States of America, United States of America (Johnson, Anita) (Entered: 09/20/2006)
03/05/2007	<u>49</u>	MOTION for Extension of Time to 4/30/07 to File Dispositive Motions <i>by All Defendants</i> by United States of America.(Johnson, Anita) (Entered: 03/05/2007)
03/08/2007	<u>49</u>	Judge Richard G. Stearns : Electronic ORDER entered denying <u>49</u> Motion for Extension of Time "DENIED. The court on July 25, 2006, in

		response to docket #46 stated that no further extensions would be granted." (Flaherty, Elaine) (Entered: 03/12/2007)
03/14/2007	<u>50</u>	NOTICE of Appearance by Marissa A Goldberg on behalf of Boston Edison Company (Goldberg, Marissa) (Entered: 03/14/2007)
03/14/2007	<u>51</u>	MOTION for Summary Judgment by Verizon New England, Incorporated.(Lewin, Joshua) (Entered: 03/14/2007)
03/14/2007	<u>52</u>	MEMORANDUM in Support re <u>51</u> MOTION for Summary Judgment filed by Verizon New England, Incorporated. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Lewin, Joshua) (Entered: 03/14/2007)
03/14/2007	<u>53</u>	First MOTION for Summary Judgment by Boston Edison Company. (Goldberg, Marissa) (Entered: 03/14/2007)
03/14/2007	<u>54</u>	MEMORANDUM in Support re <u>53</u> First MOTION for Summary Judgment filed by Boston Edison Company. (Attachments: # <u>1</u> Exhibit A)(Goldberg, Marissa) (Entered: 03/14/2007)
03/14/2007	<u>55</u>	Statement of Material Facts L.R. 56.1 re <u>53</u> First MOTION for Summary Judgment filed by Boston Edison Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J)(Goldberg, Marissa) (Entered: 03/14/2007)
03/14/2007	<u>56</u>	Statement of Material Facts L.R. 56.1 re <u>51</u> MOTION for Summary Judgment filed by Verizon New England, Incorporated. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D-1# <u>5</u> Exhibit D-2# <u>6</u> # <u>7</u> Exhibit E# <u>8</u> Exhibit E-1# <u>9</u> Exhibit E-2# <u>10</u> Exhibit F# <u>11</u> Exhibit G# <u>12</u> Exhibit H# <u>13</u> Exhibit I# <u>14</u> Exhibit J# <u>15</u> Exhibit K# <u>16</u> Exhibit L# <u>17</u> Exhibit M# <u>18</u> Exhibit N# <u>19</u> Exhibit O# <u>20</u> Exhibit P# <u>21</u> Exhibit Q# <u>22</u> Exhibit R# <u>23</u> Exhibit S# <u>24</u> Exhibit T# <u>25</u> Exhibit U# <u>26</u> Exhibit V# <u>27</u> Exhibit W)(Lewin, Joshua) (Entered: 03/14/2007)
03/14/2007	<u>57</u>	ADDENDUM re <u>51</u> MOTION for Summary Judgment filed by Verizon New England, Incorporated. (Lewin, Joshua) (Entered: 03/14/2007)
03/14/2007	<u>58</u>	MOTION for Summary Judgment by United States of America. United States of America, United States of America, United States of America, United States of America.(Johnson, Anita) (Entered: 03/14/2007)
03/15/2007	<u>59</u>	MEMORANDUM in Support re <u>58</u> MOTION for Summary Judgment filed by United States of America, United States of America, United States of America, United States of America, United States of America. (Johnson, Anita) (Entered: 03/15/2007)
03/15/2007	<u>60</u>	STATEMENT of facts by <i>United States</i> . (Johnson, Anita) (Entered: 03/15/2007)
03/15/2007	<u>61</u>	APPENDIX/EXHIBIT re <u>58</u> MOTION for Summary Judgment by United States of America, filed. (Flaherty, Elaine) (Entered: 03/20/2007)

03/21/2007	<u>62</u>	MOTION for Extension of Time to April 18, 2007 to File Response/Reply as to <u>51</u> MOTION for Summary Judgment, <u>57</u> Addendum to Motion/Memorandum. <u>61</u> Appendix/Exhibit, <u>60</u> Statement of facts, <u>56</u> Statement of Material Facts L.R. 56.1., <u>54</u> Memorandum in Support of Motion, <u>52</u> Memorandum in Support of Motion. <u>55</u> Statement of Material Facts L.R. 56.1., <u>53</u> First MOTION for Summary Judgment. <u>58</u> MOTION for Summary Judgment, <u>59</u> Memorandum in Support of Motion by Ian J. Brown.(Charnas, Scott) (Entered: 03/21/2007)
03/26/2007		Judge Richard G. Stearns : Electronic ORDER entered granting <u>62</u> Motion for Extension of Time to file Response as to <u>51</u> MOTION for Summary Judgment, <u>57</u> Addendum to Motion/Memorandum, <u>61</u> Appendix/Exhibit, <u>60</u> Statement of facts, <u>56</u> Statement of Material Facts L.R. 56.1., <u>54</u> Memor Responses due by 4/18/2007. (Johnson, Mary) (Entered: 03/26/2007)
04/09/2007		ELECTRONIC NOTICE of Hearing on Motion <u>53</u> First MOTION for Summary Judgment, <u>58</u> MOTION for Summary Judgment, <u>51</u> MOTION for Summary Judgment: Motion Hearing set for 6/6/2007 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 04/09/2007)
04/17/2007	<u>63</u>	MOTION to Withdraw <i>Motion for Summary Judgment</i> by Verizon New England, Incorporated.(Lewin, Joshua) (Entered: 04/17/2007)
04/18/2007	<u>64</u>	Opposition re <u>53</u> First MOTION for Summary Judgment of <i>Boston Edison Company d/b/a NTAR Electric</i> filed by all plaintiffs. (Charnas, Scott) (Entered: 04/18/2007)
04/18/2007	<u>65</u>	Counter Statement of Material Facts L.R. 56.1 re <u>53</u> First MOTION for Summary Judgment of <i>Defendant Boston Edison Company d/b/a NSTAR Electric</i> filed by all plaintiffs. (Charnas, Scott) (Entered: 04/18/2007)
04/18/2007	<u>66</u>	MEMORANDUM in Opposition re <u>53</u> First MOTION for Summary Judgment of <i>Defendant Boston Edison Company</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit Deposition of Adrienne St. John# <u>2</u> Exhibit Deposition of Murray Burnstine# <u>3</u> Exhibit Deposition of Armand Oullette# <u>4</u> Exhibit Defendant Boston Edison's Response to Plaintiff's Request for Admissions# <u>5</u> Exhibit Deposition of Tracy Cook# <u>6</u> Exhibit Certified Copy of records of Town of Bedford Police Department# <u>7</u> Exhibit Deposition of Ian Brown# <u>8</u> Exhibit Affidavit of Mariusz Ziejewski# <u>9</u> Exhibit Massachusetts Highway Design Manual# <u>10</u> Exhibit Deposition of James Brown# <u>11</u> Exhibit Deposition of Barbara Brown)(Charnas, Scott) (Entered: 04/18/2007)
04/18/2007		Judge Richard G. Stearns : Electronic ORDER entered withdrawing <u>51</u> Motion for Summary Judgment, granting <u>63</u> Motion to Withdraw (Flaherty, Elaine) (Entered: 04/18/2007)
04/18/2007	<u>67</u>	Opposition re <u>58</u> MOTION for Summary Judgment of <i>Defendant United States of America</i> filed by all plaintiffs. (Charnas, Scott) (Entered: 04/18/2007)

04/18/2007	<u>68</u>	MEMORANDUM in Opposition re <u>58</u> MOTION for Summary Judgment of Defendant United States of America filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit Deposition of Adrienne St. John# <u>2</u> Exhibit Certified copy of Town of Bedford records# <u>3</u> Exhibit Deposition of Murray Burnstine# <u>4</u> Exhibit Deposition of Armand Oullette# <u>5</u> Exhibit Defendant United States' Response to Plaintiff's Request for Admissions# <u>6</u> Exhibit Deposition of Tracy Cook# <u>7</u> Exhibit Certified copy of Town of Bedford Police Department records# <u>8</u> Exhibit Deposition of Ian Brown# <u>9</u> Exhibit Affidavit of Mariusz Ziejewski# <u>10</u> Exhibit Massachusetts Highway Design Manual# <u>11</u> Exhibit Deposition of Arthur Hayes, III# <u>12</u> Exhibit Affidavit of Richard Serkey# <u>13</u> Exhibit Affidavit of Daniel Roche)(Charnas, Scott) (Entered: 04/18/2007)
04/18/2007	<u>69</u>	Counter Statement of Material Facts L.R. 56.1 re <u>58</u> MOTION for Summary Judgment of Defendant United States of America filed by all plaintiffs. (Charnas, Scott) (Entered: 04/18/2007)
05/15/2007	<u>70</u>	STIPULATION of Dismissal <i>With Prejudice of All Claims and Cross-Claims By and Against Verizon New England Inc.</i> by Boston Edison Company, United States of America, Verizon New England, Incorporated, Bedford, Town of, Ian J. Brown, James Brown, Barbara Brown. (Lewin, Joshua) (Entered: 05/15/2007)
05/23/2007	<u>71</u>	MOTION for Leave to File <i>Reply Brief and Response to Plaintiffs' Statement of Material Facts</i> by Boston Edison Company. (Attachments: # <u>1</u> Exhibit Proposed Reply Brief# <u>2</u> Exhibit Proposed Response to Plaintiffs' Statement of Facts)(Goldberg, Marissa) (Entered: 05/23/2007)
05/25/2007	<u>72</u>	MOTION for Leave to File <i>A Reply Brief</i> by United States of America. (Johnson, Anita) (Entered: 05/25/2007)
05/25/2007	<u>73</u>	REPLY to Response to Motion re <u>72</u> MOTION for Leave to File <i>A Reply Brief</i> filed by United States of America. (Attachments: # <u>1</u> # <u>2</u>)(Johnson, Anita) (Entered: 05/25/2007)
06/06/2007	<u>74</u>	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Motion Hearing held on 6/6/2007 re <u>58</u> MOTION for Summary Judgment filed by United States of America, <u>53</u> First MOTION for Summary Judgment filed by Boston Edison Company. Attorney Charnas appeared for the plaintiffs; Attorney Callahan appeared on behalf of Boston Edison and AUSA Johnson appeared on behalf of the United States. After hearing, the motion was taken UNDER ADVISEMENT. (Court Reporter james gibbons.) (Zierk, Marsha) Modified on 6/7/2007 (Flaherty, Elaine). (Entered: 06/06/2007)
06/06/2007	<u>75</u>	Judge Richard G. Stearns : Electronic ORDER entered granting <u>72</u> Motion for Leave to File: Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Zierk, Marsha) (Entered: 06/06/2007)
06/06/2007	<u>76</u>	Judge Richard G. Stearns : Electronic ORDER entered granting <u>71</u>

		Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Zierk, Marsha) (Entered: 06/06/2007)
06/14/2007	<u>74</u>	REPLY to Response to Motion re <u>53</u> First MOTION for Summary Judgment filed by Boston Edison Company. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Response to Plaintiffs' Additional Statement of Material Facts) (Goldberg, Marissa) (Entered: 06/14/2007)
06/20/2007	<u>75</u>	SUR-REPLY to Motion re <u>58</u> MOTION for Summary Judgment of <i>Defendant USA</i> filed by Ian J. Brown. James Brown. Barbara Brown. (Charnas, Scott) (Entered: 06/20/2007)
06/29/2007	<u>76</u>	SUR-REPLY to Motion re <u>58</u> MOTION for Summary Judgment filed by United States of America. (Johnson, Anita) (Entered: 06/29/2007)
09/26/2007	<u>77</u>	Judge Richard G. Stearns : ORDER entered granting <u>53</u> Motion for Summary Judgment; granting <u>58</u> Motion for Summary Judgment (Zierk, Marsha) (Entered: 09/26/2007)
09/27/2007	<u>78</u>	Judge Richard G. Stearns : ORDER entered. JUDGMENT in favor of defendants against plaintiffs.(Johnson, Mary) (Entered: 09/27/2007)
10/16/2007	<u>79</u>	NOTICE OF APPEAL as to <u>78</u> Judgment, <u>77</u> Order on Motion for Summary Judgment. by Ian J. Brown, James Brown, Barbara Brown Filing fee \$ 455, receipt number 1705978 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals.Appeal Record due by 11/5/2007. (Charnas, Scott) (Entered: 10/16/2007)